

HOUSE JOURNAL
of the
STATE OF TENNESSEE
SECOND REGULAR SESSION
TUESDAY, JANUARY 9, 1996
FORTY-SEVENTH LEGISLATIVE DAY

The House of Representatives of the Ninety-ninth General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Speaker Naifeh, in accordance with Article II, Section 8 of the Constitution of the State of Tennessee and pursuant to House Joint Resolution No. 363.

The proceedings were opened with prayer by Rev. Dr. Sherman Tribble, First Baptist Church, Capitol Hill, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; out of state.

Representative Ridgeway; illness.

PERSONAL ORDERS

RECOGNITION

Rep. DeBerry, J. was recognized in the Well to introduce the "The Peacemakers".

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 371 -- Memorials, Congress - Urges Congress to refrain from privatizing certain Tennessee lakes. by *McDonald.

Conservation and Environment Committee

House Joint Resolution No. 372 -- Memorials, Congress - Urges Congress to cease transfer of power to United Nations. by *Gunnels.

State and Local Government Committee

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 373 out of order, which motion prevailed.

House Joint Resolution No. 373 -- Naming and Designating -- Designates 1996 as Tennessee's Bicentennial in honor of 200th birthday. by *Naifeh, *Purcell, *DeBerry L, *Bittle, *Fowlkes, *Hassell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, with the request that all members be added as sponsors, the resolution was adopted.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 10, 1996:

House Joint Resolution No. 374 -- Memorials, Death - William Timothy Bell. by *Ford S.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 210** -- Highway Signs - "Ellis I. Wallen, Sr. Memorial Bridge," Horse Creek on S.R. 93, Sullivan County. by *Holcomb.

Transportation Committee

***Senate Joint Resolution No. 217** -- General Assembly, Studies - Creates study committee relative to problems associated with Alzheimer's Disease. by *Dixon.

Health and Human Resources Committee

***Senate Joint Resolution No. 220** -- General Assembly, Studies - Creates special joint committee on science and technology utilization for economic development. by *McNally, *Henry, *Leatherwood.

Commerce Committee

***Senate Joint Resolution No. 226** -- General Assembly, Studies - Continues Select Joint Committee on Veterans' Affairs. by *Womack.

State and Local Government Committee

***Senate Joint Resolution No. 227** -- Highway Signs - "John A. Jones Memorial Bridge," I-840, Stones River. by *Womack.

Transportation Committee

***Senate Joint Resolution No. 228** -- Highway Signs - Tomberlain Bridge, I-840 and Sulfur Springs Road. by *Womack.

Transportation Committee

***Senate Joint Resolution No. 232** -- General Assembly, Studies - Creates special joint committee to study liability and compensation resulting from pursuit of certain persons by law enforcement officers. by *Fowler.

Judiciary Committee

***Senate Joint Resolution No. 242** -- General Assembly, Studies - Establishes joint study committee to examine DUI legislation. by *Haun, *Harper.

Judiciary Committee

***Senate Joint Resolution No. 269** -- General Assembly, Statement of Intent or Position - Endorses concept of designating S.R. 269 in Bedford County as scenic highway upon two-thirds vote of Bedford County Commission approving such action. by *Womack.

Transportation Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1825 -- Game and Fish Laws - Enacts "Hunter's and Fisherman's Right to Know Act." Amends TCA Title 69, Chapter 3. by *Odom.

***House Bill No. 1827** -- General Assembly - Changes time select oversight committee on TennCare has to review legislation which impacts or potentially impacts upon areas within scope of review from four weeks after introduction to four weeks after receipt by committee. Amends TCA 3-15-508. by *Herron, *McDaniel, *Walley, *Rhinehart.

House Bill No. 1830 -- Sullivan County - Subject to local approval, creates consolidated government charter commission; establishes procedure for referendum on proposed consolidated charter. by *Venable.

House Bill No. 1835 -- Regional Authorities - Expands authority of Carroll County Watershed Authority from Beaver Creek Watershed to all of Carroll County. Amends TCA Title 64, Chapter 1, Part 8. by *Herron, *Phelan.

House Bill No. 1839 -- Perry County - Subject to local approval, designates circuit court clerk as clerk of general sessions court when general sessions court exercises juvenile jurisdiction; relieves county clerk of duties. by *Peach.

***House Bill No. 1840** -- Municipal Government - Permits real property owners to vote in city elections in Collinwood. Amends TCA 6-20-106. by *Peach.

House Bill No. 1848 -- Sunset Laws - State health planning commission, June 30, 2002. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 11. by *Kernell.

***House Bill No. 1852** -- Courts, Juvenile - Subject to local approval, requires juvenile court judge serving as general sessions court judge, who is not licensed attorney on August 1, 1998, to be licensed to serve as general sessions court judge, beginning September 1, 1998. Amends TCA 16-15-5005. by *Pinion.

House Bill No. 1853 -- County Boundaries - Establishes portion of county line between Carroll and Henry counties from point line intersects east line from Weakley County to point line crosses center of S.R. 76. by *Herron, *Phelan.

***House Bill No. 1861--** Parks, Natural Areas Preservation - Designates segment of Tumbling Creek from head waters for distance of six miles as Class II Pastoral River Area. Amends TCA Title 11, Chapter 13. by *Jackson.

***House Bill No. 1862--** Sales - Clarifies definitions relative to sales representatives and commissions; determines at what times commissions become due; sets out jurisdictional guidelines. Amends TCA 47-50-114. by *Jackson.

House Bill No. 1875-- Sullivan County - Subject to local approval, creates consolidated government charter commission. by *Venable, *Ramsey, *Westmoreland.

House Bill No. 1876-- Motor Vehicles - Revises procedures for towing, preservation and storage of abandoned motor vehicles; establishes procedure for removal of trespassing vehicle from private property; defines "immobile motor vehicle" and "unattended motor vehicle." Amends TCA Title 55, Chapter 16; Title 66, Chapter 19. by *Jackson.

***House Bill No. 1888--** Holidays - "Destroyer Escort Day," third Saturday of each June. Amends TCA Title 15, Chapter 2. by *Givens.

***House Bill No. 1942--** Bond Issues - Authorizes issuance of \$16 million in bonds to construct central building to house all of divisions of the TBI. by *Buck, *Pinion.

***House Bill No. 1945--** Highways, Roads and Bridges - Adds tourist oriented directional signs to advertising permitted on scenic highways. Amends TCA Title 54, Chapter 17. by *Ridgeway, *Cross, *Pinion, *Cole (Carter), *Buck, *Head, *Williams (Union).

***House Bill No. 1946--** DUI/DWI Offenses - Creates Class A felony offense of aggravated vehicular homicide. Amends TCA Title 39, Chapter 13, Part 2. by *McMillan.

***House Bill No. 1947--** Juries and Jurors - Exempts full time law enforcement officers from jury duty. Amends TCA Title 22, Chapter 1. by *Stamps.

House Bill No. 1948-- Taxes, Real Property - Expands scope of exemption available to veterans with 100 percent permanent total disability by removing requirement that disability be combat related. Amends TCA Title 67, Chapter 5, Part 7. by *Rhinehart, *Cross.

***House Bill No. 1949--** Dams - Exempts from provisions of Safe Dams Act any dam constructed with private funds and located on creek in Loudon County. Amends TCA Title 69, Chapter 12. by *Gunnels.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1386 -- DUI/DWI Offenses - Permits district attorney general and court to rely on information relative to prior DUI convictions maintained in DUI offender's record by department of safety's driver history database. Such information may be rebutted by offender's sworn written statement. Amends TCA Title 55, Chapter 10, Part 4. by *Gilbert, *McNally.

REGULAR CALENDAR

***House Bill No. 32** -- Aircraft and Airports - Authorizes two members of seven member airport authority board in Shelby County to be appointed by executive officer of participating municipality and approved by county board of commissioners. Amends TCA 42-4-105(c). by *Kent, *Chumney. (SB30 by *Ford, J., *Dixon).

Further consideration of House Bill No. 32, previously considered on April 26, 1995 and May 17, 1995, and reset to today's Calendar.

On motion of Rep Kent, **House Bill No. 32** was withdrawn from the House.

***House Bill No. 26** -- State Prisoners - Requires state prisons be constructed to resemble military barracks and meet only minimum required state or federal standards of comfort and safety; limits prisoner access to exercise or recreational equipment and limits TV watching to two hours a day. Amends TCA Title 41, Chapter 1, Part 4. by *Bird, *Newton, *McKee, *Walley. (SB518 by *Miller).

Further consideration of House Bill No. 26 previously considered on May 17, 1995 and May 24, 1995, and reset to today's Calendar.

Rep. Bird moved that House Bill No. 26 be reset for the Regular Calendar on January 24, 1996, which motion prevailed.

House Bill No. 884 -- Motor Vehicles, Titling and Registration - Increases from Class C to Class B misdemeanor failure to endorse or deliver certificate of title, failure to discharge lien, failure to report discharge of lien and failure to properly enter transferee name on certificate. Amends TCA Title 55, Chapters 3, 4, by *Callicott, *Phelan, *Williams (Williamson), *Odom, *Kisber, *Turner(Hamilton), *Burchett. (*SB622 by *Person, *McNally, *Burks, *Rice, *Kyle).

Further consideration of House Bill No. 884, previously considered on May 24, 1995, and reset to today's Calendar.

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Rep. Callicott moved that House Bill No. 884 be reset for the Regular Calendar on January 24, 1996, which motion prevailed.

House Bill No. 1856 -- Benton County - Subject to local approval, authorizes severance tax on pulpwood. by *Peach. (SB1834 by *Hamilton).

Further consideration of House Bill No. 1856, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Peach moved that House Bill No. 1856 be reset to the first available space on the Regular Calendar on March 6, 1996, which motion prevailed.

MESSAGE FROM THE SENATE
January 9, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 285; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 285-- General Assembly, Joint Conventions - State of the state address, January 11, 1996, at 9:30 a.m. by *Atchley, *Crutchfield, *Elsa, *Wilder.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 285 out of order, which motion prevailed.

Senate Joint Resolution No. 285 -- General Assembly, Joint Conventions - State of the state address, January 11, 1996, at 9:30 a.m.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

RULE 78 ANNOUNCEMENT

Pursuant to Rule No. 78, the Clerk was recognized to read the veto message from the Governor on House Bill No. 111.

ANNOUNCEMENTS

REPORTS FILED

The State of Tennessee Treasurer's Report for the fiscal year ended June 30, 1995, was submitted and filed with the Chief Clerk's Office.

RESOLUTION READ

The Clerk read House Joint Resolution No. 373.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1948: Rep(s). Cross as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Newton and Bird was/were removed as sponsor(s) of **House Bill No. 1508**.

ENGROSSED BILLS
January 9, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 373.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
January 9, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 373; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS
January 9, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 373.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
January 9, 1996

The Speaker signed the following: House Joint Resolution(s) No(s). 373.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
January 9, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 373; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
January 9, 1996

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 373

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
January 9, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 373, with his approval.

HARDY MAYS, Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

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RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m. Wednesday, January 10, 1996.